

**Supreme Court of New Mexico  
Administrative Office of the Courts  
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**REQUEST FOR PROPOSAL - RFP #2017-003  
CIVIL COMMITMENT ATTORNEYS**

**A. Purpose**

In accordance with the appropriate sections of the New Mexico Procurement Code (Chapters 13-1-28 through 13-1-199 NMSA 1978 amended), the Administrative Office of the Courts (AOC) is accepting online proposals from licensed New Mexico attorneys to provide professional legal services in **the First, Second, Third, Fourth, and Thirteenth Judicial Districts:**

**Attorneys for Indigent Juveniles or Adults** who are committed voluntarily or involuntarily under the juvenile or adult Mental Health Code for all cases filed, reopened, or reassigned during the contract period.

**B. Confirmation of Receipt**

Potential offerors must confirm receipt of this RFP by sending an e-mail to [caaffbid@nmcourts.gov](mailto:caaffbid@nmcourts.gov) with "RFP Confirmation" in the subject line. The body of the e-mail shall include the potential offeror's name, address, e-mail address, and phone number. The e-mail confirming receipt of the RFP must be received by the above e-mail address on or before 4:00 p.m. MDT March 28, 2016. Only potential offerors who have confirmed receipt of the RFP will be placed on the "RFP Distribution List" and will receive written answers to questions regarding the RFP and any amendments to the RFP.

**C. Procurement Contact/Questions**

Questions regarding this RFP must be submitted to the Court-Appointed Attorney Program Manager, by e-mail, at [caaffbid@nmcourts.gov](mailto:caaffbid@nmcourts.gov) with the phrase "CAAF RFP Question" in the subject line. Questions must be received by March 30, 2016. Responses to questions will be e-mailed to all offerors on the RFP Distribution List on or before April 5, 2016.

**D. Statement of Work**

The offeror will provide legal services to all clients in a professional and skilled manner in accordance with the CAAF Scope of Work (*see* Attachment A), the Rules of Professional Conduct (Rules 16-101 to -805 NMRA (2008)), applicable case law and rules, and the terms of the contract. The AOC reserves the right to negotiate additional provisions with the successful bidder. All contracts are reviewed, approved, and managed by the AOC.

Attorneys shall meet special requirements for a mandatory 10 hours minimum continuing legal education relevant to practice areas for which they are seeking appointment.

Attorneys who accept appointments are required to enter case activity into the online CAAF Time & Billing System in order to be paid. Attorneys must have reliable access to the internet and a working e-mail address.

#### **E. Term**

Applications are being considered for Fiscal Year 2017 beginning July 1, 2016 through June 30, 2017. Under the terms of Section 13-1-150, contracts may be subject to extensions not to exceed a total of four (4) years contingent on a yearly renewal process. The renewal process will include an assessment of ongoing need for court appointed representation in the relevant geographical areas as well as previous contract performance. Contract performance monitoring could include court observations, case audits, and assessments completed by the AOC and Children's Court judge(s).

#### **F. Rejection/Cancellation/Acceptance**

The AOC reserves the right to reject any or all proposals in whole or in part and to cancel this RFP at any time when it is in their interests to do so. Discussions may be conducted with offerors who submit proposals determined to be reasonably likely to be selected for the award, but proposals may be accepted without such discussions.

#### **G. Application Evaluation Committee and Evaluation Criteria**

All proposals will be reviewed by the CAAF Program staff for compliance with the mandatory requirements stated within the RFP. The Procurement Manager may contact the offeror for clarification of the response. Proposals deemed non-responsive will be eliminated from further consideration.

Proposals will be evaluated and scored by RFP Evaluation Teams appointed and managed by the AOC.

#### **PLEASE READ CAREFULLY**

Proposals for appointments in Civil Commitment proceedings will be evaluated on the following criteria:

- 1) related case experience – 35 points
- 2) the applicant's current practice of law – 20 points
- 3) proposed contract amount – 10 points
- 4) the applicant's office organization and calendaring/docketing system – 10 points
- 5) the applicants ability to meet with clients – 20 points
- 6) the applicants experience working with clients with developmental challenges and/or mental illness – 30 points
- 7) the applicant's ability to meet with clients in various facilities – 15 points
- 8) the applicant's availability on short notice for hearings – 15 points
- 9) applicant's current standing with the New Mexico State Bar – 10 points

An additional thirty five points may be awarded based on assessment by local judiciary for a total of 200 points.

\*Judicial assessment includes factors such as any past court experience, court hearing attendance, timeliness, court demeanor etc. where applicable. **Applicants who have not previously appeared before the court in any capacity shall include up to three references to count towards this score.**

The RFP Evaluation Teams will evaluate responsive applications and assign points to each of the factors listed immediately above. The responsive offeror(s) with the highest scores will be selected as finalist offerors based upon the applications submitted. The responsible offeror(s) whose application(s) is most advantageous to the CAAF program, taking into consideration the evaluation factors, will be recommended for contract award. Please note, however, that a serious deficiency in the response to any one factor may be grounds for rejection regardless of overall score.

#### **H. Proposal Format**

Proposals must:

- 1) identify the judicial district and county or counties for which the proposal is submitted;
- 2) address each of the numbered factors as listed in section G above.
  - 2a. Factors must be addressed in the order listed in section G;
  - 2b. Responses should include a heading indicating the factor addressed; be in concise paragraph form with examples where appropriate;
- 3) include a current resume;
- 4) include a list of no more than three (3) references, and two letters of recommendation. (References may include clients you've worked with as an attorney or in another professional capacity.)
- 5) include verification of malpractice insurance;
- 6) include a signed Campaign Disclosure Form (attachment C); and
- 7) a list of CLE courses attended between January 1, 2015 and December 31, 2015.

Proposals must be submitted electronically, in one complete submission, in Word or PDF files to [caaffbid@nmcourts.gov](mailto:caaffbid@nmcourts.gov) with the phrase **"CAAFF RFP"** in the subject line. Proposals must be received by **5:00 p.m. on April 22, 2016.**

**The above documents must be scanned and submitted electronically to [caaffbid@nmcourts.gov](mailto:caaffbid@nmcourts.gov)**

Receipt of the application will be immediately confirmed by the CAAF Online Application system. Receipt of supporting documents will be confirmed by the AOC. If confirmation of either is not received, e-mail CAAF Program staff at [aoccaaff@nmcourts.gov](mailto:aoccaaff@nmcourts.gov). Applications will be reviewed beginning on April 25, 2016.

A time-line of events relevant to the RFP is included as Attachment B.

**NOTE:** The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kick-backs.

**Attachment A**  
**Scope of Work**  
**Court-Appointed Civil Commitment Attorneys**

The Contractor shall provide Mental Health representation for children and youth who are the subject of mental health proceedings under the Children's Mental Health and Developmental Disabilities Act (NMSA 1978, § 32A-6-1) or for indigent adults who are the subject of mental health proceedings under the Mental Health and Developmental Disabilities Act (§ 43-1-1 *et seq.*)

A. The Contractor shall begin providing services on the assigned cases immediately upon assignment. The Contractor shall competently represent clients to the best of the contractor's ability in accordance with the Rules of Professional Conduct, Rules 16-100 to - 805 NMRA (2008); Children's Mental Health and Developmental Disabilities Act (§ 32A-6- 1 *et seq.*); the Mental Health and Developmental Disabilities Act (§ 43-1-1 *et seq.*) and all other applicable laws and rules.

B. The Contractor shall comply with the confidentiality requirements of the New Mexico Children's Code (§ 32A-1-1 *et seq.*) and the Mental Health and Developmental Disabilities Act (§ 43-1-1 *et seq.*).

C. The Contractor may retain, on a contingency fee basis, separate counsel to represent the child, or adult in a tort action or any other cause of action that is outside the jurisdiction of the Children's Court or is unrelated to proceedings under the Mental Health and Developmental Disabilities Act (§ 43-1-1 *et seq.*) If Contractor retains separate counsel to represent the child, youth, or adult, Contractor shall provide the court with written notice within ten days of retaining separate counsel. Contractor shall not retain or subsequently obtain any pecuniary interest in an action filed on behalf of the child, youth, or adult outside of proceedings under the Children's Code or Mental Health and Developmental Disabilities Act.

D. Contractor shall continue representation of all assigned cases through appeal or dismissal. In the event of a change of venue, Contractor shall continue representation until new counsel is assigned and has communicated with Contractor.

E. Accurately maintain all records of all work performed pursuant to this Agreement. Such records include, but are not limited to, calendars, case logs, time sheets, mileage logs, notes, phone messages, letters, and email. Failure to maintain such records may result in AOC's nonpayment of Contractor's submitted bills, Contractor's reimbursement of unsubstantiated payments made, and/or termination of this Agreement, as determined at the sole discretion of AOC.

F. Provide the CAAF Office program with all records of work performed pursuant to this Agreement for inspection and evaluation in such form and manner as the CAAF Program in its sole discretion may require, subject to any applicable privilege(s) or confidentiality limitations.

G. Comply with the CAAF Office's Billing Policies and Procedures and all amendments made by the CAAF Office to the Billing Policies and Procedures during the Contract Period.

H. Utilize the CAAF Office's time and billing system to input all case information and activity in compliance with the CAAF Office's Billing Policies and Procedures.

I. The Contractor agrees to participate in at least ten (10) hours of training, during the term of this contract, in those areas of the law in which the Contractor performs service pursuant to this agreement. Contractor shall provide copies of the CLE certificates, MCLE annual reports, or written confirmation of attendance by the provider or the New Mexico State Bar, annually to the CAAF Office on or before March 30 of the contract year.

**Attachment B****Time-Line/Schedule Guidelines**

The Procurement Manager will make every effort to adhere to the following schedule:

<b>Action</b>	<b>Responsibility</b>	<b>Date</b>
1. Issue RFP	AOC	March 20, 2016
2. Deadline to Submit <b>Receipt</b> of Application	Potential Offerors	March 28, 2016
3. Deadline to Submit <b>Written</b> Questions	Potential Offerors	March 30, 2016
4. Response to Written Questions and RFP Amendments	AOC	April 5, 2016
5. Submission of Application	Offeror	April 22, 2016
6. Campaign Contribution Disclosure	Offeror	April 22, 2016
7. Evaluation of Applications and Selection of Finalists	AOC and Evaluation Committee	April 25, 2016 through May 20, 2016
8. Notification of Finalists	AOC	May 23, 2016 through May 25, 2016
9. Best and Final Offers from Finalist, if requested	Offeror(s)	May 31, 2016
10. Finalize/Award Contract	AOC/Offeror	June 1, 2016 through June 8, 2016
11. Protest Deadline	Offeror	June 8, 2016

## Attachment C

### CAMPAIGN CONTRIBUTION DISCLOSURE FORM

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

Pursuant to the Procurement Code NMSA 1978, Section 13-1-191.1 (2007) any prospective contractor seeking to enter into a contract with any state agency or local public body must file this form with that state agency or local public body.

A prospective contractor subject to this section shall disclose all campaign contributions given by the prospective contractor or a family member or representative of the prospective contractor to an applicable public official of the state or a local public body during the two years prior to the date on which a proposal is submitted or, in the case of a sole source or small purchase contract, the two years prior to the date on which the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor or a family member or representative of the prospective contractor to the public official exceeds two hundred fifty dollars (\$250.00) over the two year period.

Furthermore, pursuant to NMSA 1978 Section 13-1-181 the state agency or local public body may cancel a solicitation or proposed award for a proposed contract or a contract that is executed may be terminated pursuant to NMSA 1978 Section 13-1-182 if:

- 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process, or,
- 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

The following definitions apply:

**“Applicable public official”** means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

**“Campaign Contribution”** means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to statewide or local office. “Campaign Contribution” includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

**“Family member”** means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.

**“Pendency of the procurement process”** means the time period commencing with the public notice of the request for applications and ending with the award of the contract or the cancellation of the request for applications.

**“Prospective contractor”** means a person or business that is subject to the competitive sealed application process set forth in the Procurement Code or is not required to submit a competitive sealed application because that person or business qualifies for a sole source or a small purchase contract.

**“Representative of a prospective contractor”** means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

**DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:**

Contribution Made By: \_\_\_\_\_

Relation to Prospective Contractor: \_\_\_\_\_

Date Contribution(s) Made: \_\_\_\_\_

Amount(s) of Contribution(s) \_\_\_\_\_

Nature of Contribution(s) \_\_\_\_\_

Purpose of Contribution(s) \_\_\_\_\_

(Attach extra pages if necessary)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title (position)

**--OR--**

**NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE** to an applicable public official by me, a family member or representative.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title (Position)